

Attorney Docket No. 00-VE15.17RCE1

PATENT

**REMARKS**

Claims 1-9, 17, and 22-39 were pending. In response to the restriction requirement set forth in the Office Action mailed October 19, 2005, Applicant hereby elects claims 1-9, 17, 25-28 (Group I) for continued examination. The Examiner has required restriction between claims 1-9, 17, 25-28, stated to be drawn to a system of assessing and reporting operation in an access data network, classified in class 370, subclass 395.1, and claims 22-24, 29-31 and 32-39, stated to be drawn to a method for determining current capabilities of test points and a system providing a service-specific test, classified in class 370, subclass 252. The foregoing election is made without traverse. Therefore, claims 1-9, 17, 25-28, which were previously allowed in the Office Action dated June 2, 2005, are currently pending and believed to be in condition for allowance.

The Commissioner may require restriction if two or more independent and distinct inventions are claimed in a single application. 37 CFR 1.142(a). Applicant's election without traverse in the present matter is not intended to indicate either agreement or disagreement with the afore-mentioned restriction requirement.

**CONCLUSION**

Reconsideration and allowance are respectfully requested. In view of the above, each of the presently pending claims in this application is believed to be in condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 07-2347, under Order No. 00-VE15.17RCE1

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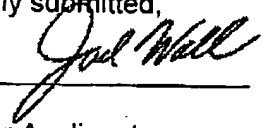
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from which the undersigned is authorized to draw. To the extent necessary, a petition for extension of time under 37 C.F.R. § 1.136 is hereby made, the fee for which should be charged to such deposit account number.

Dated: November 16, 2005

Respectfully submitted,

By

  
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